

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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OMNIPOINT COMMUNICATIONS, INC.,
OMNIPOINT MTA LICENSE, LLC,
and T-MOBILE LICENSE, LLC,

Plaintiffs,

-against-

THE TOWN OF RAMAPO, THE TOWN OF
RAMAPO PLANNING BOARD, PLANNING
BOARD CHAIRMAN SYLVAIN KLEIN, BRACHA
GOBIOFF, BRENDEN LOGAN, REV. WALTER
BRIGHTMAN, JR., JOHN BRUNSON, RICHARD
STONE, DORA GREENE, in their official
Capacities, constituting the Town Planning Board,
THE TOWN OF RAMAPO TOWN BOARD and
LIBORIO DERARIO in his official capacity as
Director of Building Administration and Code
Enforcement,

Defendants.

-----X
MICHAEL L. KLEIN, ESQ., Town Attorney of the Town of Ramapo, answers

the Complaint of the plaintiff on behalf of the defendants as follows:

ANSWER TO NATURE OF ACTION AND JURISDICTION

1. Lacks knowledge or information sufficient to form a belief as to the truth
of the allegations contained in paragraphs 6 and 12 of the complaint.

2. With regards to the allegations contained in paragraphs 17, 20, and 23 of
the complaint, defendants respectfully refer the Court to the applicable statutes for
jurisdiction.

3. Denies the allegations contained in paragraphs 5, 7, 8, 9, 10, 11, 14, 15, 18,
21, 24, 26, 27, and 28 of the complaint.

4. With regards to the allegations contained in paragraph 1 of the complaint, admits that plaintiff commenced this action on March 10, 2008 but denies the allegations of “unreasonable delay and effective denial of plaintiff’s special permit and site development plan application.”

5. With regards to the allegations contained in paragraph 3 of the complaint, denies that the denial of the application was “unsupported.”

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

6. The Planning Board’s decision was fully supported by the record.

WHEREFORE, the defendants demand judgment dismissing the complaint herein together with costs, disbursements and legal fees for the defense of this action.

Dated: Suffern, New York
April 15, 2008

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